



April 2, 2010

Mr. Douglas Wade
US Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Re: Docket Number COE-2010-0007

Dear Mr. Wade:

City of Dallas staff has reviewed the proposed process for requesting a variance from vegetation standards for levees and floodwalls as presented in docket number COE-2010-0007. We have a number of concerns reflective of the City's interest based on its experience with the Army Corps of Engineers.

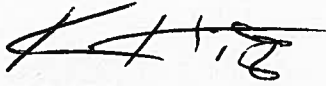
The Vegetation Variance Request does address concerns by non-federal sponsors seeking a variance from current guidelines. However, it is clearly outlined in the proposed Vegetation Variance Request (Section 6.2.b.) that funding to review and approve such a variance would need to be provided through an appropriate District budget account. In previous experiences at the District level, these accounts are unable to absorb any unplanned review or permitting process. Additionally, in order for a non-federal sponsor to provide funding, a project must be on-going and identified as part of the Project Management Plan or other approved document. This potentially could result in inaction for several budget cycles, therefore significantly delaying variance request.

Also, in this proposed variance process a request moves forward to Headquarters for final approval. Currently, these types of waivers are granted at the District level. The proposed process changes the final approval from District to Headquarters level which potentially adds time to the review and approval process. Additionally, at any point in time, a non-federal sponsor can be denied and the District shall notify in writing (Section 6.2.g.). While this documents the process, it does not appear to include any opportunity for a sponsor to appeal a denial, nor does it provide for a compromise of existing policy.

Finally, there should be more clarification related to existing vegetation compared to future or planned vegetation. Section 9 (f) addresses existing conditions, but the exact intent is not clear. It is important that this be clarified and existing vegetation should also be addressed through some process, either a similar or the same process. We assume the information related to the environmental compliance (Section 11) is reflective of planning processes and would be covered during normal study phases. It is unclear as to why this would be necessary if variances are being requested based on existing conditions, not introducing new conditions. We would ask that this be clarified for better understanding.

We appreciate the opportunity to comment and would like to be fully engaged in any on-going opportunities for input and involvement as you move forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly High', with a stylized flourish at the end.

Kelly High
Director
Trinity Watershed Management